UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,863	09/29/2000	Gary Dan Dotson	00AB007 (81696/234)	9372

7590 02/18/2004

Attention John J Horn
Rockwell Technologies LLC
Patent Dept 704P Floor 8 T 29
1201 South Second Street
Milwaukee, WI 53204-2496

EXAMINER	
NGUYEN, KIMNHUNG T	
ART UNIT	**PAPER NUMBER**
2674	

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/675,863	DOTSON, GARY DAN	
	Examiner	Art Unit	
	Kimnhung Nguyen	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 April 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *21-24* is/are allowed.

6)☒ Claim(s) *1,2,4-14 and 20* is/are rejected.

7)☒ Claim(s) *3, 15-19* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This application has been examined. The claims 1-24 are pending. The examination results are as following.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-2, 4-12 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolfe et al. (US patent 6,037,930).

Regarding claims 1-2 and 7, Wolfe et al. disclose in figures 1-3 that a method of processing an input from a touch plane operator input device comprising: (A) determining a first location (X and Y) of a first touch on the touch plane operator input device (by touch sensitive pad); determining a second location (X and Y) location of a second touch on the touch plane operator input device (by touch sensitive pad); (C)

comparing the first and second locations to obtain an indication of an amount of difference between the first and second location (because X and Y of the first touch different with X and Y of the second touch); (D) therefore, they determine the indication of amount of difference exceeds a predetermined amount (by delta X and delta Y); wherein the determining steps (A)-(D) are performed by discrete logic circuitry (see column 3, lines 38-47); and wherein the discrete logic circuitry provides an microprocessor when the indication of the amount of difference excess the predetermined amount (see figures 2 and 17A-17B)

Regarding claims 4-5, Wolfe et al. disclose that the method comprising displaying a mouse pointer (because the mouse mode can push the cursor moving on the screen, see column 1, lines 42-47 and column 3, lines 47-49) from the first location to the second location on a display (see column 1, lines 42-47 and column 3, lines 38-49

Regarding claim 6, Wolfe et al. disclose the steps (A)-(D) are performed under the control of a state machine implement in the discrete logic circuit (see column 3, lines 38-47).

Regarding claims 8-9, Wolfe et al. disclose that wherein the touch plane operator input device forms at least part of an operator interface of an internet or industrial control system (see column 1, lines 56-58).

Regarding claims 10-12, Wolfe et al. disclose that wherein the touch plane interface is located on a system-on-chip integrated circuit chip, wherein the microprocessor is located on the integrated circuit chip (see figures 2 and 17A-17B, column 9, lines 9-25), and

comprises a touch screen (see abstract), and the touch plane comprises an inherent touch pad because the system having mouse mode).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe et al. (US patent 6,037,930) in view of Chambers et al. (US patent 6,445,383).

Regarding claims 13-14, Wolfe et al. disclose in figures 2 and 17A-17B that an integrated circuit or a device comprising a microprocessor (see column 9, lines 9-25); a touch screen interface (touch sensor 1), the touch screen interface being adapted to interface the microprocessor to touch screen; and a digital processor coupled between the touch screen interface and the microprocessor, the digital signal processor being adapted to determined a location of a touch on the touch screen. However, Wolfe et al. do not disclose that the digital processor including a comparator. Chambers et al. disclose in figure 4 that a comparator circuit (302) which detects the touch screen system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Chambers et al. for the comparator in the system device of Wolfe et al. because this would provide an electronic touch screen to wake up from it quiescent low power state and return to its normal operations.

Allowable Subject Matter

6. Claims 3, 21-24 are allowed.

None of the cited art teaches or suggests that a method of processing an input from a touch plane operator input device, wherein the step of determining the X-location and the Y-location of the first touch comprises acquiring a first plurality of data samples from the touch plane, calculating the X-location of the first touch by determining an average X-location for the first plurality of data samples, and calculating the Y-location of the touch by determining an average Y-location of the first plurality of data samples; and wherein the step of determining the X-location and the Y-location of the second touch comprises acquiring a second plurality of data samples from the touch plane, calculating the X-location of the second touch by determining an average X-location for the second plurality of data samples, and calculating the Y-location of the touch by determining an average Y-location for the second plurality of data samples; ... and determining whether the indication of the amount of with the second predetermined amount as claim 3, or wherein the causing step (D) causes microprocessor overhead required to process data from the operator input device to be reduced as compared to the microprocessor overhead that would be required if the microprocessor processed the additional data as claim 21.

7. Claims 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: None of the cited art teaches or suggests that wherein the first predetermined amount defines of a region that surrounds the first location, and wherein the perimeter is also defined by the second predetermined amount, and wherein the determining step (D) comprises determining whether the second location is outside the perimeter.

Response To Arguments

8. Applicant's arguments filed on 4-7-03 have been fully considered but they are not persuasive.

Applicant argues that Wolfe does not teach wherein the determining steps (A)-(D) are performed by discrete logic circuitry; and wherein the discrete logic circuitry provides a microprocessor when the indication of the amount of difference excess the predetermined amount. However, examiner respectfully disagrees with the argument because Wolfe does disclose in column 3, lines 38-47 and figure 2, and 17A-17B. For this reason, the rejection is maintained.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number (703) 308-0425.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached on **(703) 305-4709.**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D. C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Kimnhung Nguyen
February 14, 2004

RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600